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JAMESON A L TWEEDIE

May 31, 2007

VIA E-FILING

The Honorable Chief Judge Sue L. Robinson
United States District Court
District of Delaware
844 King Street
Wilmington, DE 19801

Re: *Medpointe Healthcare Inc. v. Apotex Inc. and*
Apotex Corp., C.A. 06-164-SLR

Dear Chief Judge Robinson:

In accordance with Your Honor's rulings during the teleconference yesterday, attached is an Amended Rule 16 Scheduling Order, the form of which has been agreed to by the parties. If the Court has any questions or comments, please do not hesitate to call.

Respectfully,



Jameson A.L. Tweedie

JT/jt

cc: Richard L. Horwitz, Esquire (via e-filing and hand delivery)
Robert B. Breisblatt, Esquire (via e-mail)
Anne S. Toker, Esquire (via e-mail)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MEDPOINTE HEALTHCARE INC.,)

Plaintiff,)

vs.)

Civil Action No. 06-164-SLR

APOTEX INC. and APOTEX CORP.,)

Defendants.)

AMENDED RULE 16 SCHEDULING ORDER

Further to the Rule 16 Scheduling Order entered by the Court in this action on June 14, 2006, and upon the parties' request to amend certain of the dates set forth in the Rule 16 Scheduling Order,

IT IS HEREBY ORDERED that Paragraphs 2, 4, and 6 of the Rule 16 Scheduling Order are amended as follows, with the other dates in that Order remaining unchanged:

2. Discovery.

(b) All fact discovery shall be commenced in time to be completed by July 9, 2007.

(c) Expert discovery shall be commenced in time to be completed by October 22, 2007.

(1) Expert reports on issues for which the parties have the burden of proof due August 6, 2007. Rebuttal expert reports due September 10, 2007.

4. Claim Construction Issue Identification. If the court does not find that a limited earlier claim construction would be helpful in resolving the case, on October 29, 2007,

the parties shall exchange lists of those claim terms that they believe need construction and their proposed claim construction of those terms. This document will not be filed with the court. Subsequent to exchanging such lists, the parties will meet and confer to prepare a Joint Claim Construction Statement to be submitted pursuant to paragraph 6 below.

6. **Claim Construction.** Lawyers must identify, during the claim construction phase of the case, any claim language that will have a meaning to a person of ordinary skill in the art that differs from the ordinary meaning. Any language not so identified will be construed according to its ordinary meaning. The parties shall agree upon and file the Joint Claim Construction Statement on November 26, 2007, with the claim chart separately docketed. The parties will file simultaneous opening claim construction briefs on December 17, 2007. Simultaneous response briefs should be filed by January 9, 2008. Issues of claim construction shall be considered by the court in conjunction with trial.

SO ORDERED:

This ____ day of _____, 2007

HONORABLE SUE L. ROBINSON
UNITED STATES DISTRICT JUDGE